Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at http://about.jstor.org/participate-jstor/individuals/early-journal-content.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

MICHIGAN
LAW REVIEW

VOL. VII APRIL, 1909 No. 6

ECONOMIC ASPECTS OF THE LAW OF MASTER AND SERVANT, IN ITS RELATION TO INDUSTRIAL ACCIDENTS

WE hear it said frequently that the relations between master and servant have completely altered during the past century, and that, due to the introduction of machinery, workmen are much more frequently and more seriously injured than formerly. In fact, these statements have become trite. It takes an article, such as that written by Arthur B. Reeve, in the February, 1907, number of *Charities and the Commons*, entitled "The Death Roll of Industry," to bring to our minds what these statements actually mean; to impress us with the seriousness of present conditions.

Although statistics upon the matter are not as satisfactory as Mr. Reeve would wish, yet the conclusions at which he arrives seem to be conservative, viz., that, during the year 1905, out of a total of 1,382,196 employes upon the railroads of the country, there were either killed or injured a total of 70,194; in other words, substantially one out of every twenty railroad employes was either killed or maimed.[1] Also, that, in the aggregate, more than half a million workmen have been killed or injured during the year 1906; in other words, that some servant, as a result of his employment, is either killed or injured every minute of time, counting nights and Sundays.

Of course, we well understand the principles of the common law, by which the rights of master and servant, arising from personal injuries received by the latter, are measured. The servant is without remedy (which means that he must bear the entire burden of his injury without compensation), unless he proves both that his injuries were the result of negligence on the part of his master, and,

[1] Charities and The Commons, Vol. XVII, pp. 791, 803, 807.

also, that he himself was free from any negligence which contributed to the accident. If, under our rules, the servant can hold the master liable, he is entitled to receive a present money payment, sufficient in amount to fully compensate him for all of the consequences of the injury.

I need only call to mind the principal rules of the common law which favor, so to speak, the master's exemption from responsibility to the servant, viz.:

First: The fellow-servant rule;[2]

Second: The doctrine of assumed risk;

Third: The rule as to contributory negligence; and

Fourth: The principle of independent contractor.

Although statistics upon the matter are not reliable, it seems likely that not to exceed fifteen per cent., and perhaps not more than ten per cent., of injured employes are entitled to compensation from the master.[3]

We lawyers have become accustomed to the principles of the common law, and the application of them to particular cases—principles of law which existed before we began to practice, or before we were born; and we are likely to assume that, by applying these rules correctly to concrete cases, we are aiding in the accomplishment of justice. This is undoubtedly true, if, by justice, we mean the upholding of the law. But if we stop to consider that, no matter who has been negligent or free from negligence, the burden resulting from these accidents is the same, (first) to the injured servant himself; (second) to his family or other dependent; and (third) to the public at large, we can but wonder whether our present methods are right.

Have we considered what becomes of the ninety per cent. of injured servants, or dependents, who alone must bear the burden of these accidents? Aside from the personal suffering of the injured and the rights of the master, there are other equally impor-

[2] Although this principle, when first adopted at the beginning of the last century, was well supported by reason, it has been severely criticized under present conditions. The report of the Royal Commission of Labor, appointed by the English Home Office, in 1894, contained the following:

"The doctrine (the fellow-servant rule) is an exception to the general rule; is modern judge-made law; implies a contract founded on a legal fiction not in accordance with fact; has been pushed to extreme length by the judges forcing and straining the meaning of the term 'common employment' and in practice leads to gross anomalies and injustice * * * The law * * * is an unfair law, operating oppressively against workmen as a class."

See, also, 18 The Green Bag, 187.

[3] Charities and The Commons, Vol. XVII, p. 823; and Report of Industrial Ins. Com. Ill., 1907, p. 8.

tant questions arising from this condition. In the first place, there is the material question, resulting from the withdrawal of financial support from not only the servant, but, also, those depending upon him, and, secondly, there is the moral question, resulting from their being made the objects of public or private charity.

I suggest that the present situation is unsatisfactory to all concerned.

First: To the Master.[4]

His liability for injuries to his employes is uncertain; it is determined not by the degree of resultant injury to the servant, but upon certain more or less technical rules of the common law, which relieve the master completely from bearing any of the burden in one case, and, under substantially the same facts, from a layman's point of view, compel him in the next case to bear the entire burden. In practice, this is more serious for the master than the rules of law alone would indicate. We know that the verdicts of juries in these cases are frequently so great (sometimes unreasonably so) as to result in the financial embarrassment, or even ruin, of a master who, in morals, is no more responsible than is another who, under like circumstances, escapes completely from liability.

Secondly, it is unsatisfactory *to the servant.*[5]

In addition to the fact that, in the large majority of cases, the servant is compelled, by law, to bear the entire burden of his injuries, and eliminating from consideration the ninety per cent., or thereabouts, who receive no compensation, we find conditions not altogether desirable for the remaining ten per cent. Unless the servant is willing to accept a comparatively small amount, he can secure the compensation, to which the law says he is entitled, only as a result of expensive litigation. When successful, he reaches his goal only after the lapse of several years, during which time he most needs the continuance of the income that he was able to earn before he was injured. He loses what the law says he is entitled to, in case the master becomes insolvent before payment is made. He seldom, if ever, has the means with which to employ counsel for reasonable compensation, and if the servant has a just claim, the expense of the litigation is excessive. And, finally, when he eventually secures payment of his portion of a large judgment, the servant, not being as intelligent in the saving of money as he was in the earning of it, either squanders what he has received, or loses it

[4] Charities and The Commons, Vol. XVII, p. 823; Mass. Bureau of Labor Report, 1907, Part II on English Legislation, etc., p. 224.

[5] Charities and The Commons, Vol. XVII, pp. 793, 818, 823; Report of Industrial Ins. Co., Ill., 1907, p. 8.

by injudicious investments. It is, indeed, an exceptional case with us, when the injured servant is substantially and permanently benefited by what the law has given him.

But, *thirdly,* and especially, is the situation unsatisfactory *to the Public.*

No small item of the burden, which the public bears, is that of the expense of litigation. I need not dwell upon this, because the condition is well known to all of us. Perhaps, equally as important is the burden which is cast upon public charity, as a result of the death or injury of the workmen in our industries.[6]

But, to my mind, more important than either of these considerations, is the question of lowering of the standard of morals among the persons who are injured, and those who are dependent upon them. If it is to the interest of the public that people should earn a respectable livelihood, in a respectable manner, this is mainly due to the interest that the public has in a high standard of morality, and anything that tends to the contrary is vitally injurious to the public welfare.

And, finally, it is not to the interest of the public that classes in the community should be created, or, if they exist, that they should become further estranged. It can hardly be questioned that the tendency of our present conditions, with reference to the legal relations of the master and his injured servant, and the litigation resulting therefrom, tend to foster a class hatred that is inimical to the best interests of the public.

That the present situation in this respect is not ideal is now quite generally admitted. The remedies which, by legislation in the United States, have been applied are either (1st) the abrogation or modification of one or more of the common law rules, above referred to (for illustration, the abrogation of the fellow-servant rule); and (2nd) the so-called Factory acts, whereby the master is required to adopt certain specific precautions (as an illustration, the covering of

[6] I doubt very much whether there exists, in statistical form, any accurate information regarding the expense to which the public is put, as a result of these conditions. One gets merely a suggestion of the widespread results, and the enormous burden, which must be entailed upon the public, when we read, for instance, of the work of the Special Employment Bureaus for the Handicapped. The first Bureau of this kind was organized in New York, in 1906, and another has been established in Chicago. Although the Bureaus do not confine their work to persons injured in industrial employment, yet, as we might expect, we find that a large proportion of persons, whom these Bureaus have been able to assist, are former workmen. We thus get an idea of the large number of injured persons, who are still able to, and who are still anxious to work, but it is more difficult to come in touch with the vast majority, who are compelled to, or who prefer to, give up the struggle for existence and become public burdens. See Charities and The Commons, Vol. XVII, pp. 816-820.

dangerous parts of machines). In my judgment, this legislation has rather aggravated than remedied the evils that I have suggested.

Now then, if we were to forget completely the common law and its rules, and, if, in view of present social and industrial conditions, we should look for some reasonable and economic basis, for the care of injured servants, we would, I think, without much doubt, agree, *first,* that the servant, or his dependents, should not profit from his injury; *second,* that the injured servant and his dependents should be financially provided for, to such an extent and in such a manner as would relieve the immediate burden, due to the accident, and would, in a reasonable measure, prevent their becoming dependent upon public charity; and, *finally,* that this expense should be borne by the industry in question. This last idea is what the French refer to as the "risque professionnel." If a particular business cannot stand the expense incident to the application of this doctrine, then that business is not one which it is to the interest of the public should continue, and it had best be abandoned.[7]

Elsewhere than in the United States, in pursuance with these principles, one or both of two remedies have been adopted.[8] *First,* the insurance of workmen, made compulsory by law, and generally at the expense of the master. *Second,* the principle of compensation by the master, for injuries received by servants in his employ, irrespective of the present rules of law.

Statutes, embodying one or both of the features just suggested, have been enacted in every European country, except Switzerland, and, also, in Great Britain and many of her colonies. In fact, our States stand practically alone in this matter. Germany was the first, by legislation in 1884. England enacted her first Workmen's Compensation Act in 1897. At least fifteen countries, ending with Belgium in 1903, have adopted similar legislation. In general, the idea of compulsory insurance is the leading feature in countries where the common law does not prevail. In England and her colonies, the idea of compensation by the master, with voluntary insurance features, has been tried.

[7] In general, this doctrine has the support of our President. He referred to it approvingly, both in his message to Congress, of December 3, 1906, and, also, in his address at Jamestown, Virginia, on June 11, 1907.

See, Charities and The Commons, Vol. XVII, p. 827; 18 The Green Bag, 188.

[8] See Charities and the Commons, Vol. XVII, p. 823, etc.

Although these statutes vary largely, in their details, they are all based upon the doctrines above suggested.[9]

But it is of especial interest for us to examine further the English legislation. The law of 1897 was quite original, if not revolutionary. It was known as the Chamberlain Act, and it met with vigorous opposition, especially from employers.[10] This act has been amended from time to time and, in 1906, a new statute, following the lines of, but enlarging upon, the original act, was adopted, which took effect on July 1, 1907.[11] Between the time of the adoption of the first Workmen's Compensation Act, in 1897, and 1903, when the Home Office appointed a committee, upon whose report the Act of 1906 was adopted, this statute won favor largely among all classes in England. I quote from an intelligent writer upon the subject:[12]

> "The reasons which prompt the workmen to ask compensation rather than damages are not far to seek. The

[9] While providing for the injured servant, they limit the amount of compensation, in general, as follows: *First,* in the case of an injured servant, medical attendance is provided and, in addition thereto, a stated payment, during total incapacity, of an amount equal to, from fifty to seventy per cent. of the servants' wages. Frequently there is a maximum and minimum stated; say, weekly, not to exceed five dollars, and, in the case of Norway, a daily minimum of not less than 13⅔ cents. *Second,* in the case of death claims, funeral expense is provided, the amount being frequently limited, as, for instance, in Austria, not to exceed $10.15; and, also, a money payment, in common law jurisdictions, of a sum equal to, say, three years' pay of the servant, with a maximum not to exceed $2,000.00 or less, the amount being payable to those dependent upon the deceased servant. And, in civil law jurisdictions, the amount to be paid is graded according to the class of living dependents; and, if there are no dependents, then the payment reverts to the state, for the credit of the insurance fund. There is always the exception that no payment is to be made, in case the injury results from the "willful act of the servant." Mass. Bureau of Labor Report, 1907, Part II, p. 222; also, U. S. Labor Bulletin, 1902, Ill., pp. 549 et seq.

[10] See 18 The Green Bag, p. 191.

[11] Mass. Bureau of Labor Report, 1907, Part II, pp. 228 et seq. The salient features of the act can be summarized as follows: It gives compensation to a workman injured in the course of his employment, from the master, with a few reasonable exceptions, and while the act reserves to the servant his common law remedies, he must choose whether he will pursue those remedies, or take the advantage of the Compensation Act; it requires notice of the injury within six months of the accident; it relieves the master from liability under the act, in case the master and his employes have agreed upon a scheme of insurance, in pursuance with regulations of the statute; it makes the master liable, also, for injuries received by employes of independent contractors, when at work upon the premises of the master; it subrogates the servant to remedies which the master may have under insurance contracts; and, in case of insolvency of the master, makes the servant's claim a preferred one; it reserves the common law rights of the servant against third parties, but, in case of recovery against such third party, the amount is deducted from compensation, to which the servant would otherwise be entitled from the master under the act. The Act of 1906 extends the provisions to seamen and, also, covers certain diseases contracted by employes, as well as external accidents. It provides intelligently for medical examinations and arbitration to carry out the provisions of the Act.

[12] 18 The Green Bag, pp. 191, 218, 219.

British artisan appears to have realized that the amount of which he is sure under the Compensation Act and which goes into his pocket is about as large as that which he has a chance of getting from an English jury, after paying expenses; that (compensation under the statute) begins to come in practically at once, and that if he is fit for work he comes back to his job."

The committee of the Home Office, above mentioned, in its report of August, 1904, referred at some length to the practical effect of the Compensation Act of 1897, and I quote therefrom as follows:

"As regards workmen, the committee found that the acts had conferred substantial benefits on those included in them; that prior to them practically the whole burden of industrial accident had fallen on the workmen, and it was right and necessary that some systematic provision for relief by law should be provided; that the act gave substantial relief, not complete indemnity, and there was little complaint from workmen of the limitation to one-half wages and other maximum limits in them.

"Personal inquiry by the author concerning the practical workings of the act made during 1906 of government officials, of employers and of representatives of labor, disclosed a unanimity of opinion that the principle of the act was sound, the extent to which it should be carried being the only question. The act was said to have proved a great boon to the workmen covered by it, labor strongly advocating its extension, while employers generally accepted it. In the building trades the secretary of one of the conciliation boards of a large master builders' association said that the principle was accepted by employers; that the burden was transferred to the building owner and not to wages, which had risen; that the act had tended to prevention of accident, as it had stimulated employers to have better plants; that it had reduced litigation, which was largely confined to non-union workmen. * * *

"A representative of the coal miners corroborated the fact that all labor was in favor of the act, and illustrated the almost automatic working of it in the case of the Durham miners. * * * Considering the overwhelming extent to which the energies of this country are directed into mechanical industry and the high ratio of accident to population therefrom, entailing such widespread hardship

> through the haphazard treatment of each accident on the negligence basis, with its result of serious injustice in so many cases to employer and workmen alike, as well as the enormous waste of energy and money in the ever-increasing volume of personal-injury litigation, which clogs our courts, it is manifest that the subject requires the earnest and careful consideration of serious people. Nor is it unlikely that the principle of a wise and practical step toward the solution of this difficult, but most important, subject may be found in the British workmen's compensation acts."[13]

An examination, in the English Reports, of litigation between master and servant, in the Superior Courts, during the last few years, bears out the statement that has been made, that, although considerable litigation resulted from the Compensation Act of 1897, yet these cases involved, almost without exception, the construction of various sections of the statute; and since the English courts have upheld and construed, in various decisions, this statute, litigation between master and servant, growing out of personal injuries, has, in great part, disappeared.

As compared with what has been done along these lines elsewhere, our own States have accomplished substantially nothing. While efforts at legislation have been made, greater progress has been accomplished by voluntary action on the part of a few of the large employers of labor. I consider these matters in the order mentioned.

First: Legislation in the United States.

While I do not attempt to be exhaustive in this discussion, I think that the following items present fairly the leading efforts at successful legislation upon this matter.

(1) *Massachusetts:* During the session of the Legislature in Massachusetts of 1903, there was proposed a bill, which was substantially the same as the English Workmen's Compensation Act of 1897.[14] This proposed act was earnestly advocated and received much attention. It was defeated, as I understand, mainly due to the opposition thereto coming from employers. Their chief argument against the bill was that, conceding that its provisions were, when considered by themselves, desirable, yet it was not to the interest of the State that its industries should be hampered by the expense, which would result from the adoption of the act; and that, unless

[13] Mass. Bureau of Labor Report, 1907, Part II, pp. 225-227.

[14] See Report of Industrial Com. of Ill., 1907, pp. 26-30, for a copy of the bill.

the same legislation were adopted in other States, it would result in a discrimination against Massachusetts industries.

(2) *Maryland:*[15] In 1902, the legislature of Maryland passed an act, whose chief feature was the compulsory insurance plan, although it did not follow at all closely the German idea. As far as I can learn, this act was adopted as one of first impression, without any large discussion of its benefit and with no active opposition. It proved to be unsatisfactory to both master and servant. At least, I do not find that the act received cordial support from anyone. Shortly thereafter, it was decided to be unconstitutional in one of the courts of first instance. This decision has been generally acquiesced in, and I cannot learn that the act has been passed upon by the Maryland Supreme Court.

(3) *Illinois:*[16] The legislature of Illinois, by a resolution adopted in May, 1905, provided for the creation of an industrial insurance commission, which should investigate the matter of workmen's insurance and kindred subjects, and should report to the governor of the State, with recommendations for legislation.

The interesting report of this commission was published in 1907. The commission strongly commended the idea of industrial insurance for workmen, and its report included the draft of two bills. The first one, the adoption of which the commission strongly recommended, was prepared for it by Prof. Ernst Freund, of the University of Chicago. The main feature of this act is to make valid, contracts between master and servant, exempting the former from common law liability, for injuries received by the latter, conditioned upon the creation, under statutory provisions, of an insurance fund, for the benefit of its injured employes. While there does not seem to be any constitutional objection to the scope of the act, yet its large usefulness may be seriously questioned, because, since its provisions are not compulsory, the burden of the act (if there is such) will not bear equally upon all employers. In other words, the careless or indifferent employer, whose servants especially need the protection of the law, will be the only one who will not adopt the provisions of the act. The other act, contained in the report, was prepared by Mr. Charles H. Hamill, a well known lawyer of Chicago, who, in doing so, acted under instructions from the members of the commission, few, if any, of whom were lawyers. Mr. Hamill's act follows, in the main, the German law, with the compulsory insurance idea. In this respect, the act (although in its details widely differing

[15] See 18 The Green Bag, pp. 210-212.

[16] See Report Industrial Ins. Com., Ill., 1907, pp. 15-24.

therefrom) follows the Maryland statute. While submitting this act to the commission, Mr. Hamill insisted upon having it published with his opinion that the act was unconstitutional. This report was received by the last legislature of Illinois, which refused or neglected to act favorably thereon, and no legislation has resulted as yet.

In view of recent history of legislative effort in this matter, we can better appreciate the difficulties of securing effective and desirable legislation, altering materially the common law method of compensating servants for injuries received in industrial employment. In the first place, on account of constitutional questions, which do not hamper the legislatures in countries not under the common law, it is difficult to draft a satisfactory statute, which can be sustained, and, in the next place, any effective legislation meets with the opposition, on the one hand, of employers and, on the other hand, of employes. The former, among other things, insist that the proposed legislation places an added burden upon their industries. The fact that the statutes of any particular state must necessarily be local seems to make such legislation a discrimination against local industries; and, on the other hand, such legislation is opposed by employes, among other reasons, because the act may, or may seem to, affect some common law right favorable to the servant.

Second: Voluntary action in our States.

By all means, the greater results with us have resulted from voluntary action by the managers of particular industries. I doubt very much whether the widespread and beneficial results of such action are at all understood by the public at large, or even by the intelligent portion thereof. On February 1, 1886, under the initiative of the Pennsylvania Railroad, the Voluntary Relief Department of that company was established. The regulations of this department have been amended from time to time, and, in January, 1907, they were made to apply to all of the employes of the Pennsylvania Railroad Company and subsidiary roads, both east and west of Pittsburg.[17]

[17] The distinctive features of this Relief Department are as follows:

(1) That membership therein is not compulsory. (Rule No. 17; p. 23, of the regulations governing the Pennsylvania Railroad Voluntary Relief Department, as amended to January 1, 1907.

(2) That the Railroad Company and its employes, being members of the Relief Department, both contribute to the relief fund. (Rule No. 4, p. 13; Nos. 31 to 41, pp. 34 to 38).

(3) That the fund and other business matters, connected with the Rellef Department, are managed by a committee, composed of representatives chosen, in part, by the Rail-

An understanding of the principles upon which this Relief Department is based, and of the spirit in which we understand that it is conducted, can only meet with the hearty approval of one who examines this general subject, without prejudice, looking only to the substantial interest of all parties. The propriety of establishing such a Relief Department, and the validity of its provisions, have been frequently upheld by the courts.[18]

The beneficial results arising from such a Relief Department have been so apparent that many of the railroad systems of the country and, also, a considerable number of our large corporations have adopted, substantially, the same idea.

I give, therefore, in brief, the general conclusions at which I have arrived, in my investigation of this subject, as follows:

First: That the present condition of our law, whereby the rights of master and servant, in the event of accident to the latter, in his employment, are adjusted, is unsatisfactory to all parties concerned.

Second: That legislation along the lines of modifying the present common law rules, by increasing the measure of liability of the master, have not and will not remedy the evils of the situation, but will rather aggravate them.

Third: Considering the insurance feature, being one of the two remedies which have elsewhere been applied, I would suggest (a) that compulsory insurance, such as we find in Germany and other European countries, is with us impracticable, both because our people are not favorably disposed toward State Socialism, to which that

road Company and, in part, by the participating employes. (Rules Nos. 5, 6, etc.; pp. 14, etc.).

And finally:

(4) That, although an employe of the Company is not required to become a member of the Relief Department, and is not required, as a condition of membership, to release any claim that he may, in the future, have against the Company, as a result of accident, yet, if the member brings suit, or asserts a claim against the Company, as a result of injuries received by him, benefits from the relief fund stop; and, on the other hand, if the member accepts the benefits of the relief fund, this acts as a release of any claims for damages against the Company. (Rule No. 58, p. 50; and, also, p. 28).

See Regulations Governing Pa. R. R. Voluntary Relief Department, 1907; and 18 The Green Bag, pp. 204-205.

[18] See Shaver *v.* Pa. Rd. Co., 71 Fed. Rep. 934; a decision of Judge RICKS, in 1896, wherein are cited decisions from the courts of several of the states. In Michigan, a similar scheme, adopted by the Lake Superior Iron Company, was considered in the case of O'Neil against that Company in 1886 (63 Mich. 690). While the opinion of the Court in that case finds against the validity of an alleged contract, whereby the Company claimed a release from liability, for injuries received by Plaintiff, yet a careful examination shows that the opinion was based solely upon the proposition that the Plaintiff, in signing the release, was deceived in material representations, made to him by the Company. There is nothing in the opinion which, in any way, criticises such a scheme as is presented by the Pennsylvania Railroad Voluntary Relief Department. See 18 The Green Bag, pp. 204, 205.

tends, and, also, because of constitutional objections, which render such legislation difficult, if not impossible; and (b) that voluntary insurance, whether by statutory authority or by private initiative, is beneficial as far as it goes, and that legislation along these lines, like most permissive legislation, will not have large results, but that the creation of voluntary relief departments, in particular industries, has proven the most effective remedy for the evils that we are considering, which have been tried in this country, and, yet, that such measures are necessarily limited in scope.

Fourth: That, as far as legislation is concerned, the principle of compensation to the injured servant, irrespective of the common law rules of liability, being substantially the idea contained in the English Workmen's Compensation Act, is both just and effective. I believe that such an act has been found, in England, to be, and would likewise be found to be in this country, if adopted in our States, beneficial to all parties concerned, viz.:

I. *To the Servant.*

(1) Because his hazards, and resulting accidents, will be materially lessened.[19]

(2) Because such compensation, as the servant, or his dependents, becomes entitled to, is certain and is payable immediately; and

(3) Because, under such a statute, the adjustment is usually, at least, made amicably and the cordial relations between master and servant, which in early times prevailed, are sustained; and the servant is likely to be continued in the employment of the master in such duties as he can perform.

II. *To the Master:*

(1) Because he will avoid the present tendency to increase

[19] There can be no question but that an employer, who has to bear a part of the burden of every accident occurring in his shop (or the Insurance Company, which indemnifies such an employer against such certain liability) will devote much more attention to securing comparative safety in the employment than he does at the present time. Not only is this reasonable, but it is proven to be so, because the countries of Europe are much in advance of us in this matter of the prevention of industrial accidents. Perhaps, the inference from the reports is not accurate, but it is not altogether wrong that, considering the numbers subjected to danger, etc., there are two accidents in this country to one in the industrial countries of Europe. The existence of, and the prominence given to, the Museums of Safety, in the several European countries, illustrate the interest taken in these matters by employers there. The first Museum of Safety was organized in France, in 1867. As early as 1890, a permanent Exposition or Museum of Safety was organized in Vienna, and we find them now established at the industrial center of most of the European countries, including even Switzerland. See Charities and The Commons, Vol. XVII, pp. 812, 815, 825; The Reader, June, 1907, p. 4.

his common law liability, by the adoption of more stringent liability laws.

(2) Because he will thus secure comparative relief from what are frequently unjust and burdensome claims, arising out of injuries received by his employes; and

(3) Because the burden upon the employer, or upon his business, resulting from injuries to servants, will be reduced from its present speculative to a more certain and reasonable basis, which can be provided against by insurance, and which can, in either case, be added, to the expense of the master's business, which must be borne by the public; and, finally:

III. *To the public at large:*

(1) Because of the relief, which the public will obtain, in a large measure, from its, at present, increasing dependent classes.

(2) Because of its relief, in large part, from the burden of personal injury litigation.

(3) Because of the consequent increase of good feeling between master and servant, and the elimination of one item of class hatred; and

(4) Because of the general improvement in public morals, consequent upon an elimination, in part at least, of the evil results of our present conditions.

CLARENCE A. LIGHTNER.

DETROIT.